



CONFIDENTIALITY OF INFORMATION ON SAFE HOUSES

By: Michelle Kirby, Associate Analyst

SAFE HOUSE LOCATION

- "Safe house" is an umbrella term that refers to a residence that provides temporary or emergency shelter to certain people such as victims of domestic violence or sexual assault.
- At least 19 states have laws that require the confidentiality of the location of safe houses.
- Eight of these states impose penalties for illegal disclosure, primarily by classifying the violation as a misdemeanor or by withdrawing funding.
- Two federal laws require confidentiality of safe house locations.

QUESTION

Summarize state laws that require confidentiality of the location of houses that provide shelter to domestic violence and other victims (i.e. safe houses), including the penalties for illegally disclosing such location.

SUMMARY

At least 19 states, including Connecticut, have laws pertaining to the confidentiality of the location of safe houses. Generally, they limit any person, public agency, or private agency from disclosing any information that identifies the location or physical address of such houses. Eight of the states impose some sort of penalty for the illegal disclosure of the location. But Connecticut and 10 other states do not appear to impose any specific penalty for such disclosure. Penalties include fines and imprisonment. Also, in some cases, programs or shelters that violate the law may also lose their funding or certification.

Two federal acts, the Violence Against Women Act and the Family Violence Prevention and Services Act, impose penalties for disclosing information on the location of safe houses.

STATE LAWS ON SAFE HOUSES

The term “safe house” has several meanings. This report looks at safe houses that provide shelter to people in danger of abuse. These include domestic and family violence shelters, trafficking shelters, shelters for victims of dating violence or sexual assault, temporary emergency shelters, and transitional housing for victims and their dependents.

We found 19 states that treat information on the location of safe houses as confidential. These are Arizona, California, Connecticut, Florida, Georgia, Hawaii, Iowa, Kentucky, Louisiana, Mississippi, New Jersey, New York, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Washington, and Wyoming. Depending on the state, the law may:

1. prohibit disclosure of information related to safe house locations by anyone,
2. exempt this information from Freedom of Information (FOI) or other public information laws,
3. allow victims to refuse to disclose this information when giving testimony and for evidentiary purposes,
4. generally prohibit courts from ordering production or inspection of anything that would result in the disclosure of such information,
5. prohibit certain state agencies from disclosing or releasing this information unless required by law or with written authorization, or
6. require certain programs to provide assurances that the confidentiality of this information will be maintained.

Four states (California, Georgia, South Carolina, and Washington) classify the illegal disclosure of information about the location of a safe house as a misdemeanor that subjects a violator to a fine or imprisonment. Arizona imposes a civil penalty of up to \$1,000.

In Iowa and Kentucky, a program that violates confidentiality and privacy requirements is subject to a loss of state funding, and shelters in Florida may face suspension or revocation of their certifications. Georgia subjects providers of telephone services and telephone directory services to prosecution for failing to file a plan showing how they will protect the confidentiality of the address or location of a shelter.

Table 1: State Laws Pertaining to the Disclosure of Safe House Locations

States (citation)	Safe House	Disclosure Law	Penalty
Arizona (Ariz. Rev. Stat. § 36-3009)	Shelters for Domestic Violence Victims	<ul style="list-style-type: none"> Prohibits knowingly or maliciously disclosing information that may reveal the location or address of a shelter 	Civil penalty of up to \$1,000
California (Cal. Penal Code § 273.7)	Trafficking shelters Domestic violence shelters	<ul style="list-style-type: none"> Prohibits any person from maliciously publishing, disseminating, or otherwise disclosing the location of a shelter or any place designated as a shelter, without the authorization of that shelter 	Misdemeanor
Connecticut (CGS § 8-360)	Shelter or transitional housing for domestic violence victims	<ul style="list-style-type: none"> Exempts from the Freedom of Information Act the disclosure by any public agency of any information that indicates the location of a shelter or transitional housing for victims of domestic violence 	None specified
Florida (Fla. Stat. Ann. § 39.908 Fla. Admin. Code Ann. r. §§ 65H-1.016 - 1.017)	Domestic violence shelters	<ul style="list-style-type: none"> Prohibits (with some exceptions) the disclosure of a shelter's location 	Suspension of shelter certification pending completion of a corrective action plan within six months, failure to do so results in revocation of certification
Georgia (Ga. Code Ann. § 19-13-23 Ga. Code Ann. § 46-5-7)	Family violence shelters	<ul style="list-style-type: none"> Prohibits anyone from knowingly publishing, disseminating, or otherwise disclosing the location of a family violence shelter Requires providers of telephone service and telephone directory services to file a plan showing how the confidentiality of the address or location of a shelter will be protected. Such filing or approval is not a defense to any action or prosecution. 	Misdemeanor
Hawaii (Haw. Rev. Stat. § 626-1)	Safe houses Abuse shelters	<ul style="list-style-type: none"> Allows a victim to refuse to provide evidence that would identify the name, location, or telephone number of a safe house, abuse shelter, or other facility that provided temporary emergency shelter to him or her. 	None specified

Table 1 (continued)

States (citation)	Safe House	Disclosure Law	Penalty
Iowa (Iowa Admin. Code § 265-41-10(16))	Family violence shelters	<ul style="list-style-type: none"> Requires recipients of funds from the Shelter Assistance Fund program to develop and implement procedures to guarantee the confidentiality of records pertaining to the address or location of any family violence shelter Prohibits the disclosure of such information except with written authorization of the shelter director 	Loss of funding
Kentucky (Ky. Rev. Stat. Ann. § 209A.070 922 Ky. Admin. Regs. 5:050)	Domestic violence shelters	<ul style="list-style-type: none"> Prohibits the disclosure of any information that identifies a client of a domestic violence program except as provided by law Requires compliance with applicable federal and state laws, including those that prohibit the disclosure of shelter locations 	Loss of funding
Louisiana (La. Rev. Stat. Ann. tit. VI, Ch. 10 § 652)	Shelters for victims of domestic abuse or dating violence	<ul style="list-style-type: none"> Prohibits courts from ordering the production or inspection of any document or information that discloses the location of a shelter or other facility that provides services to victims of domestic abuse or dating violence 	None specified
Mississippi (Miss. Code Ann. § 93-21-109)	Domestic violence shelters	<ul style="list-style-type: none"> Exempts the street address or physical location of a shelter from public disclosure When a physical address is required, a post office box address for the domestic violence shelter is sufficient 	None specified
New Jersey (N.J. Stat. Ann. § 30:14-13)	Shelters for victims of domestic violence	<ul style="list-style-type: none"> Prohibits the disclosure of any information that may reveal the identity or location of anyone seeking shelter services, except with the person's consent or as required by law 	None specified
New York (N.Y. Comp. Codes R. & Regs. tit. 18 § 452.10)	Shelters for victims of domestic violence	<ul style="list-style-type: none"> Prohibits the disclosure of any information related to the general location or specific street address of a structure anticipated to house, or housing a residential program for, victims of domestic violence Allows disclosure only when authorized by a court or expressly permitted by statute or regulation 	None specified

Table 1 (continued)

States (citation)	Safe House	Disclosure Law	Penalty
Oklahoma (Okla. Stat. Ann. tit. 74 § 18p-3)	Shelters for victims of domestic abuse or sexual assault	<ul style="list-style-type: none"> Prohibits the district court from ordering the disclosure of a domestic violence shelter, the location of any person seeking or receiving services, or any other confidential information 	None specified
Pennsylvania (55 Pa. Code § 108.14)	Domestic violence shelter	<ul style="list-style-type: none"> Prohibits the Public Welfare Department from disclosing whether an applicant, recipient, or family member is living in a domestic violence shelter and the location of the shelter, unless required by law or with written authorization 	None specified
South Carolina (S.C. Code Ann. § 16-3-2080)	Domestic violence shelters Trafficking shelters	<ul style="list-style-type: none"> Prohibits a person from maliciously or with criminal negligence publishing, disseminating, or otherwise disclosing the location of a shelter or another place designated as a shelter, without the authorization of the victim or the shelter 	Misdemeanor, punishable by imprisonment of up to three years, fine of up to \$3,000, or both.
Tennessee (Tenn. Code Ann. § 71-6-208)	Family violence shelters Domestic violence shelters	<ul style="list-style-type: none"> Prohibits compelling anyone to provide testimony of documentary evidence in a criminal, civil, or administrative proceeding that would identify the address or location of a shelter 	None specified
Texas (Tex. Gov't Code Ann. § 552.138)	Family violence shelters Victims of trafficking shelters	<ul style="list-style-type: none"> Exempts from the Texas public information statutes, information on the location or physical layout of a shelter for family violence or trafficking victims 	None specified
Washington (Wash. Rev. Code Ann. § 26.50.250)	Domestic violence shelters or transitional housing facilities	<ul style="list-style-type: none"> Prohibits anyone from intentionally and maliciously releasing confidential information about the location of a domestic violence program for any purpose other than required by a court proceeding Prohibits courts or administrative bodies from compelling any person or domestic violence program to disclose the name, address, or location of any shelter or transitional housing facility, in any civil or criminal case or in any administrative proceeding, except under limited circumstances In any proceeding where the confidential name, address, or location of a domestic violence program is ordered to be disclosed, the court must order that (1) the parties be prohibited from further disseminating of the confidential information and (2) any portion of any records containing the information be sealed 	Gross misdemeanor

Table 1 (continued)

States (citation)	Safe House	Disclosure Law	Penalty
Wyoming (Attg., VS, Wyo. Code R. Ch. 9 § 9)	Domestic violence and sexual assault shelters	<ul style="list-style-type: none">Requires domestic violence and sexual assault shelter programs to provide assurances that the address or location of shelter facilities are not made public except with the written authorization of the person or persons responsible for operating the shelter	None specified

FEDERAL LAWS ON SAFE HOUSES

The Violence Against Women Act and the Family Violence Prevention and Services Act award grants to states to help support the establishment, maintenance, and expansion of programs and projects to, among other things, provide immediate shelter for family, domestic, or dating violence victims and their dependents. Both acts prohibit grant recipients from disclosing the address or location of any shelter that maintains a confidential location, unless the person responsible for operating the shelter gives written authorization. Failure to follow the acts' universal grant conditions regarding victim confidentiality and privacy could result in a loss of funding (42 USCA §§ 10401, 10406).

MK:ts